

Iowa Legislative Fiscal Bureau

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State Capitol
Des Moines, IA 50319
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Crime Bills From The 1995 Legislative Session

ISSUE

Effects on prisons of the crime bills passed during the 1995 Legislative Session.

AFFECTED AGENCIES

Department of Corrections

CODE AUTHORITY

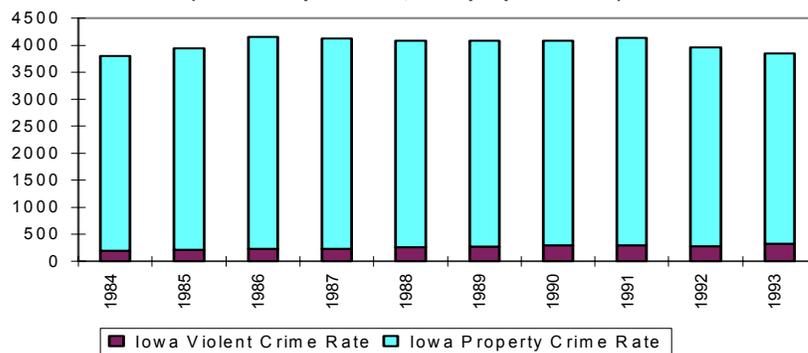
Various sections of the Code of Iowa

BACKGROUND

In Calendar Year 1993 Iowa ranked 43rd nationally for total and property crime rates and 38th for the violent crime rate per 100,000 population. Iowa's property crime rate was 74.3% of the national rate. The violent crime rate was 43.6% of the national rate.

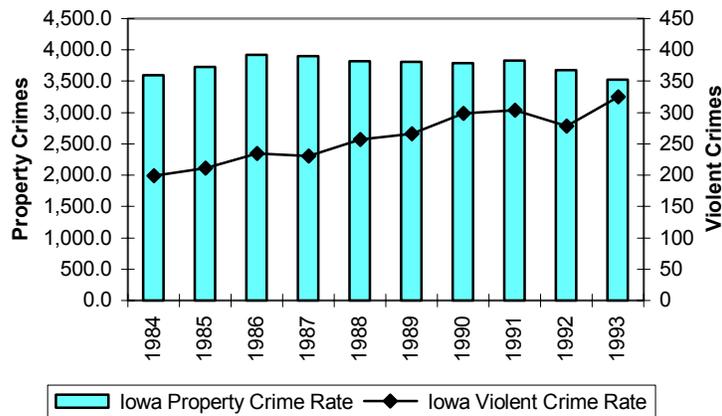
The following chart shows Iowa's crime rates for property and violent crimes from Calendar Year 1984 through 1993. Property crimes are committed approximately 10 times more frequently than violent crimes.

Iowa Property and Violent Crime Rates
(Crimes per 100,000 population)



In recent years Iowa property crime rates have shown a 10.1% decline, decreasing from a 1986 high of 3,916.1 per 100,000 population to 3,521.0 in 1993. Violent crime rates have increased by 63.8% over the past decade, increasing from 198.7 per 100,000 population in 1984 to 325.5 in 1993. The following chart shows these trends.

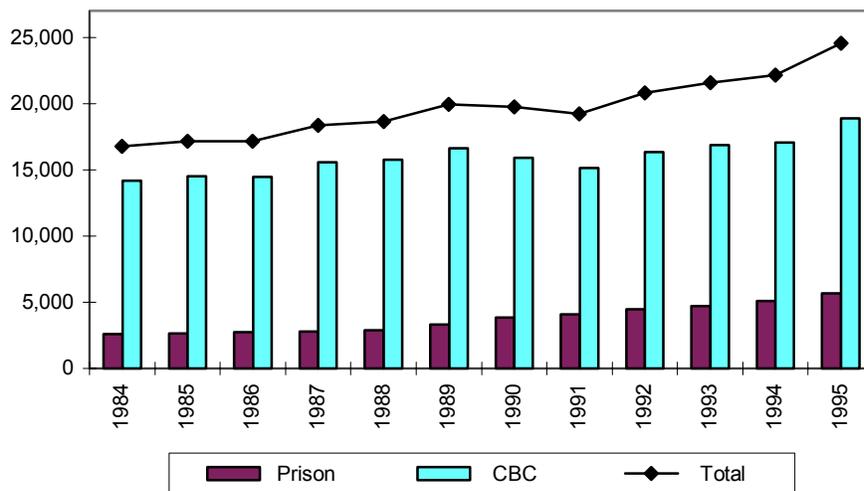
**Trends in Property and Violent Crimes In Iowa
(Crimes per 100,000 population)**



Note: The above scales are set to show relative growth in property and violent crime rates. The scales show 10 property crimes for each violent crime.

Iowa's correctional system population has been continually growing in recent years, necessitating the construction of new prisons. The growth in the prison population is affected by a variety of factors, including the change in the types of crimes committed, changes in laws, and changes in correctional policies. The following chart shows the growth in the correctional system population since July 1, 1984.

Prison and Community-Based Corrections Populations



CURRENT SITUATION

Ten bills were enacted during the 1995 legislative session that could directly affect the prison system. The following table provides a brief description of the bills and the estimated five-year impact.

Bills Passed During the 1995 Legislative Session Affecting Prisons

Bill No.	Description & Comment	Inmates added by FY 2000	Cost to Gen. Fund by FY 2000
SF 66	Elevates the penalty for interfering with, tormenting or striking a police service dog to a serious misdemeanor. Makes knowingly and willingly torturing, disfiguring, disabling, killing or poisoning a police service dog a Class D felony.	0	\$ 0
SF 120	Permits Parole Board to require that inmates earn a General Equivalency Diploma (GED) before parole.	0	0
SF 293	Minimum five-year sentence for use of a dangerous weapon. (Increases prison stay for Class D felons. Class B and C felons already exceed minimum.)	4	22,000
SF 398	Permits Class A felons to apply for commutation of sentence once every ten years.	0	0
SF 439	Relates to making false reports to law enforcement agencies and making spurious calls to emergency 911 communications centers.	NA	NA
SF 443	Prohibits assaults upon peace officers and fire fighters by providing penalties and enhancing penalties.	NA	NA
HF 29	Amends the kidnapping section of the <u>Code of Iowa</u> so that when the body of the victim is found within the State the offense is presumed to have occurred within the State.	20	73,000
HF 215	Inmates to perform hard labor.	0	NA
HF 346	Relates to the verification and defendant's signature required for uniform citations and complaints.	0	Minimal
HF 528	Increases penalty for using or conspiring to use a juvenile in criminal activity. Adds new offenses for recruiting, enticing, or intimidating a juvenile into joining a gang and for conspiring to do the same. Adds new offense for going armed with, carrying, or transporting a firearm on the grounds of a public or nonpublic school.	20	75,000
Total Estimated Impact		44	\$ 170,000

NA = Not Available

In addition to the bills affecting prison costs and populations, the General Assembly passed SF 93 creating a central registry within the Department of Public Safety for persons convicted of criminal offenses with a minor, sexual exploitation, and sexually violent offenses. Senate File 142 made offenders guilty of child endangerment ineligible for bail during presentence investigations.

BUDGET IMPACT

The delineated acts have identifiable annual costs of approximately \$170,000 in FY 2000.

The costs for HF 215, Inmate Hard Labor, could not be estimated, but it has the potential for a greater impact than all of the other bills. The issues affecting the cost of implementation include:

- The Department of Corrections will need to create the equivalent of more than 1,550 full-time jobs.
- The jobs will have to be suited to a poorly educated and unskilled population, and/or significant training will be needed.
- New markets for prison products will need to be developed if production is expanded or if new products are created.
- Sale of prison goods and inmate services are limited by federal and state laws to prevent competition with private businesses and civilian labor. For example, civilian workers cannot be displaced by inmate labor. Wages and benefits for inmates employed by private sector businesses must be comparable to those of non-inmate employees doing that job.
- Supervision and security will need to be provided for inmates working outside the prison walls. The potential for escapes and smuggling contraband into the prison increases with inmates moving in and out of the prison facilities.
- Prisons are typically located near small towns and 15 to 30 miles from larger cities, so transportation would be required if work is found for inmates in those cities.
- Educational programming is not defined as hard labor and would need to be adjusted to inmate work schedules.

Some of the potential financial benefits of inmate labor include:

- Inmates can develop job skills so they can be gainfully employed after release.
- Inmates employed by private sector businesses could be required to pay for room and board, security, transportation, victim restitution, support of families, savings, and taxes.
- Public works projects can be done with low cost labor.

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